

109 KAR 11:030. Allocation of driving under the influence service fees.

RELATES TO: KRS 189A.050

STATUTORY AUTHORITY: KRS 189A.040, 189A.050

NECESSITY, FUNCTION, AND CONFORMITY: In addition to all other penalties authorized by law, KRS 189A.050 imposes a \$150 service fee upon persons convicted of driving under the influence of alcohol or other substance impairing one's driving ability. This fee is to be used to fund enforcement, education and treatment programs provided for under the driving under the influence laws, for recordkeeping, and for the support of jails. This administrative regulation provides for the allocation of the fee for the purposes specified in the act. This administrative regulation also provides the procedure for implementing KRS 189A.040(4).

Section 1. Circuit clerks shall report to the Department of Local Government and pay into the state treasury the fee imposed by KRS 189A.050 upon persons convicted of driving under the influence of alcohol or other substance impairing driving ability at the time other fees, fines, and forfeitures adjudged in the courts of their counties, are reported and paid into the treasury, as provided in KRS 30A.190.

Section 2. Circuit clerks shall remit \$100 of the service fee to the Department of Local Government for each person convicted of a first offense of driving under the influence. The offender shall be advised that the remaining fifty (50) dollar service fee will be probated contingent upon utilization by the offender of such sum to pay for approved education and/or treatment services provided for first offenders. Any charges for such services in excess of the fifty (50) dollars shall be paid by the offender. The fifty (50) dollars shall be collected from the offender and paid into the state treasury if the offender declines to participate in an education and/or treatment program.

Section 3. Circuit clerks shall remit the full amount of the service fee to the Department of Local Government for second and subsequent offenders. The offender shall be responsible for all treatment costs.

Section 4. The fees shall be allotted quarterly, on a percentage basis, to the agencies, and for the purposes, hereinafter indicated:

(1) Transportation Cabinet - four (4) percent for furnishing copies of driver history records to courts for use in driving under the influence cases.

(2) Cabinet for Human Resources - forty-five (45) percent for costs of treatment programs for indigent offenders.

(3) Justice Cabinet - twenty-six (26) percent for enforcement activities under the provisions of KRS 189A.010.

(4) Department of Local Government - twenty-five (25) percent for distribution to counties in which drunk driving convictions are adjudged to assist in expense of maintaining jails, and which shall be in addition to other jail costs allowed by the state.

Section 5. Fees collected and paid into the State Treasury prior to the effective date of this administrative regulation shall be allocated as provided in Section 4 of this administrative regulation. (11 Ky.R. 1095; eff. 2-12-85; recodified from 200 KAR 8:030, 7-8-91; Am. 18 Ky.R. 728; eff. 12-8-91.)